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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,640	05/15/2001	Miska Hannuksela	367.40119X00	1733

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EXAMINER

DIEP, NHON THANH

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 06/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/855,640

**Applicant(s)**

HANNUKSELA, MISKA

**Examiner**

Nhon T Diep

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 5/15/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4, 7, 9/01, 2/04</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 5, line 2, which refer to "the H.263 standards". The H.263 standards as recited in claim 5 renders the claims indefinite because as rules change over time, it is inappropriate to have the scope of the claims change with time and if the standards change, the disclosure may no longer support the limitation. Also, there is no copy for the claimed versions of the H.263 standards provided to support for what are claimed.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

((e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

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directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1- 2, 4, 8-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Fukunaga et al (US 6,049,570).

Fukunaga et al discloses a picture coder comprising the same method for encoding a video signal representing a sequence of pictures, the method employing both non-temporal prediction and temporal prediction (col. 4, ln. 65), wherein the method comprises, for each picture that forms a reference picture for the temporal prediction of another picture, associating with each sub picture an indicator indicating the temporal order of the reference picture in the encoded video signal relative to the other reference pictures in the encoded video signal (col. 3, ln. 13-18, col. 5, ln. 20-22 and fig. 7, el 310) as specified in claims 1 and 8-9; incrementing the indicator each time a reference picture is encoded (col. 6, ln. 19-22: comparing reference frame number indicates that reference frame number are number differently, and should be in increasing order) as specified in claim 2; the indicator is included in the picture header (col. 5, ln. 30-38) as specified in claim 4.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 6-7 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukunaga et al (US 6,169,821), in view of Zhu (US 6,357,028).

Fukunaga et al discloses a picture coder comprising the same method for decoding an encoded video signal representing a sequence of pictures, the method comprising receiving an encoded video signal, decoding each received picture, examining for each picture to be decoded that forms a reference picture for another picture an indicator representing the temporal order of the reference frame and, (col. 4, ln. 65, col. 3, ln. 13-18, col. 5, ln. 20-22, fig. 7, el 310, col. 5, ln. 12-18 or col. 6, ln. 44-53) as specified in claims 6 and 11-12; and sending a request to a transmitter to encode a picture in a non-temporal manner when the indicator does not follow consecutively from an immediately preceding decoded reference frame (col. 11, ln. 49-63) as specified in claim 7. It is noted that Fukunaga et al does not particularly disclose when the indicator does not follow consecutively from an immediately preceding decoded reference frame, detecting a lost reference frame as specified in claim 6 and 11-12; or incrementing the indicator by one each time a reference picture is encoded as specified in claims 3, 10 and 13. Zhu teaches that "the transmission error can be loss of a packet. Where the transmitted packets are consecutive packets of data identified by sequence numbers, the loss of the packet can be detected by identifying a missing sequence number" (col. 2, ln. 50-60). Therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to indicate reference frames with consecutive numbers as taught by Zhu. Doing so would help to easily detect transmission errors.

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***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Takahashi et al (US 6,393,152) discloses a hierarchical image decoding apparatus and multiplexing method.

b. Fukunaga et al (US 6,111,915) discloses a picture decoder.

c. Agarwal et al (US 6,711,140) discloses a method and apparatus for fast acquisition and synchronization of transmission frames.

d. Chintada et al (US 6,629,261) discloses an enhancement data link layer selective reject mechanism in noisy wireless environment.

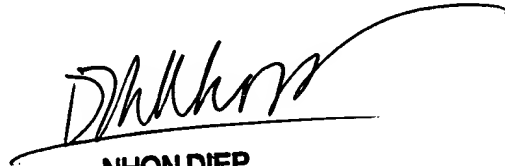
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon T Diep whose telephone number is 703-305-4648. The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S Kelley can be reached on 703 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ND  
17 June 2004



NHON DIEP  
PRIMARY EXAMINER